

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

Renee Rudnick and David Rudnick, w/h,	:	
	:	
Plaintiffs,	:	NO: _____
	:	
v.	:	
	:	
The Great Atlantic & Pacific Tea	:	
Company, Inc., and YFP Ocean City, LLC,	:	
	:	
Defendants.	:	

NOTICE OF REMOVAL

TO: Robert H. Nemeroff, Esquire
10 I Greenwood Avenue, 5th Floor
Jenkintown, PA 19046

PLEASE TAKE NOTICE that on August 8, 2014, Defendant Pathmark Stores, Inc. filed in the office of the Clerk of the United States District Court for the Eastern District of Pennsylvania the within Notice of Removal.

The Notice of Removal is also being filed with the Court of Common Pleas of Philadelphia County pursuant to 28 U.S.C. §1446(d).

A Praecipe to Remove the case from the Philadelphia County dockets will be filed after the Federal Court assigns this matter an appropriate civil action number.

Respectfully submitted,

CIPRIANI & WERNER, P.C.

By: /s/ Katherine M. Robinson
Katherine M. Robinson, Esquire
PA Attorney I.D. No. 306532
450 Sentry Parkway, Suite 200
Blue Bell, PA 19422
(610) 567-0700 Telephone
Attorney for the Defendant
Pathmark Stores, Inc.

Date: August 8, 2014

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

Renee Rudnick and David Rudnick, w/h,	:	
	:	
Plaintiffs,	:	NO: _____
	:	
v.	:	
	:	
The Great Atlantic & Pacific Tea	:	
Company, Inc., and YFP Ocean City, LLC,	:	
	:	
Defendants.	:	

NOTICE OF REMOVAL

Petitioners/Defendants, The Great Atlantic & Pacific Tea Company, Inc., and YFP Ocean City, LLC (herein after "Defendants"), hereby file the within Notice of Removal to the United States District Court for the Eastern District of Pennsylvania stating as follows:

1. On June 26, 2014, Plaintiffs Renee and David Rudnick filed a Complaint against The Great Atlantic & Pacific Tea Company, Inc., and YFP Ocean City LLC, in the Court of Common Pleas of Philadelphia County, Pennsylvania under Docket No. 140603904. (A true and correct copy of Plaintiffs' Complaint as well as a true and correct copy of the Philadelphia Court of Common Pleas docket are attached hereto and marked as Exhibits "A" and "B," respectively.)

2. According to Plaintiffs' affidavits of service, Defendants were served with a Copy of Plaintiffs' Complaint by personal service on July 11, 2014. (A true and correct copy of Plaintiffs' Affidavits of Service are attached hereto marked collectively as Exhibit "C.")

3. This action arises out of personal injuries that plaintiff Renee Rudnick allegedly sustained on or about July 4, 2012, when she was allegedly caused to fall inside a Super Fresh Supermarket located at 800 West Avenue, Ocean City, New Jersey 08226. (See Exhibit "A.")

4. Plaintiffs are demanding judgment against Defendants under a negligence theory and requesting compensatory damages in excess of Fifty Thousand Dollars (\$50,000). (See Exhibit “A.”)

I. DIVERSITY OF CITIZENSHIP

5. Plaintiffs Renee and David Rudnick were at all relevant times citizens and residents of the Commonwealth of Pennsylvania. Plaintiffs reside at 8506 Elliston Drive, Wyndmoor, Pennsylvania 19038. (See Exhibit “A,” ¶¶ 1-2.)

6. In their Complaint, Plaintiffs acknowledge that neither named Defendant is a citizen of the Commonwealth of Pennsylvania. Plaintiffs correctly allege that The Great Atlantic and Pacific Tea Company, Inc., is a Maryland Corporation with a principal place of business located at 2 Paragon Drive, Montvale, New Jersey 07645. (See Exhibit “A” at ¶ 3.)

7. As the attached document from the Pennsylvania Department of State makes clear, The Great Atlantic & Pacific Tea Company, Inc., is authorized to conduct business in Pennsylvania as a Foreign Corporation. (A true and correct copy of the Corporate Information Sheet for Pathmark Stores, Inc., is attached as Exhibit “D.”) At the time of the incident and currently, The Great Atlantic & Pacific Tea Company, Inc., was/is incorporated in the state of Maryland with a principle place of business located at 2, Paragon Drive, Montvale, New Jersey 07645. (See Exhibits “A” and “D”).

8. Plaintiffs incorrectly allege, however, that YFP Ocean City is a citizen of the state of New Jersey. As the attached filing with the Delaware Department of State makes clear, YFP Ocean City is a Delaware Corporation and is incorporated in the State of Delaware. (A true and correct copy of the Corporate Information for YFP Ocean City, LLC, is attached as Exhibit “E.”) The deed for the property at issue indicates that YFP maintains a principal place of business at

3224 Club Drive, Los Angeles, CA 90064. (A true and correct copy of the deed is attached as Exhibit “F.”)

9. At the time of the incident and currently, YFP Ocean City, LLC, is/was not registered to conduct business in the Commonwealth of Pennsylvania and does not maintain an address in the Commonwealth of Pennsylvania. (See “no results” indication for YFP Ocean City, LLC, from the Pennsylvania Department of State, attached as Exhibit “G.”)

10. Therefore, as demonstrated above, Neither named Defendant is incorporated in or maintains a principal place of business in the Commonwealth of Pennsylvania, which is the domicile of the Plaintiffs.

11. Accordingly, because Plaintiffs and Defendants are citizens of different states, complete diversity of citizenship exists between the parties in accordance with 28 U.S.C. § 1332, and 28 U.S.C. § 1441.

II. AMOUNT IN CONTROVERSY

12. In their Complaint, Plaintiffs seek damages in excess of \$50,000.00. In addition, Plaintiff further contends in her complaint that her injuries are serious and ongoing. (See Exhibit “A” at ¶ 20.)

13. Specifically, Plaintiff contends that she sustained “. . . injuries to her head, neck and back including, but not limited to, lower back injury involving her lumbar discs at L4-5 and LS-S1, as well as a closed head injury diagnosed as a concussion and post-concussion syndrome resulting in cognitive deficits.” Id.

14. Plaintiff also claims damages for out of pocket costs and medical expenses and other expenses. (See Exhibit “A” at ¶¶ 20; 23.)

15. Plaintiff further claims damages for past and future wage loss. (See Exhibit “A” at ¶ 24.)

16. Finally, Plaintiff's husband claims damages for loss of consortium. (See Exhibit "A" at ¶¶ 27-28.

17. Plaintiffs' injuries, and damages, as alleged, will exceed \$75,000.00 exclusive of interest and costs.

III. CONCLUSION

18. Therefore, the present action is a civil action over which this Court has original jurisdiction by virtue of the diversity of citizenship of the parties pursuant to 28 U.S.C. § 1332.

19. In accordance with § 1332, this case involves (a) injuries, which, as alleged, will exceed \$75,000.00 exclusive of interest and costs; and (b) is between citizens of different states. 28 U.S.C. § 1332(a)(3).

20. Additionally, in accordance with applicable Federal Rules of Civil Procedure and/or Statutes, namely 28 U.S.C.A. § 1446(b), this Notice of Removal was filed within thirty (30) days after defendant received service of Plaintiff's Complaint. See Johnson v. Vertis, Inc., 2002 WL 31388817 (E.D.Pa.)(citing 28 U.S.C. § 1446(b)).

21. Accordingly, pursuant to 28 U.S. C. § 1332, this is a civil action that may be removed by defendants The Great Atlantic & Pacific Tea Company, Inc., and YFP Ocean City, LLC over which this Court has original jurisdiction.

WHEREFORE, Petitioners/Defendants The Great Atlantic & Pacific Tea Company, Inc., and YFP Ocean City, LLC, respectfully request that the aforementioned Civil Action commenced against them be removed to this Court for all further proceedings.

Respectfully submitted,

CIPRIANI & WERNER, P.C.

By: /s/ Katherine M. Robinson
Katherine M. Robinson, Esquire
PA Attorney I.D. No. 306532
450 Sentry Parkway, Suite 200
Blue Bell, PA 19422
(610) 567-0700 Telephone
Attorney for the Defendants

Dated: August 8, 2014

AFFIDAVIT

Katherine M. Robinson, Esquire, being sworn according to law deposes and says that she is counsel for Petitioners The Great Atlantic & Pacific Tea Company, Inc., and YFP Ocean City, LLC, in the within matter; and that she has read the foregoing Notice for Removal and believes it to be true and correct, to the best of her knowledge, information and belief.

CIPRIANI & WERNER, P.C.

By: /s/ Katherine M. Robinson
Katherine M. Robinson, Esquire
PA Attorney I.D. No. 306532
450 Sentry Parkway, Suite 200
Blue Bell, PA 19422
(610) 567-0700 Telephone
Attorney for the Defendants

Dated: August 8, 2014

CERTIFICATE OF SERVICE

That counsel for Defendants hereby certify that in accordance with the Federal Rules of Civil Procedure, a true and correct copy of the within **NOTICE OF REMOVAL** will be served on all counsel of record as follows:

- a. Electronically by the Court upon all counsel of record who are registered to receive same; and/or
- b. via First Class Mail, postage pre-paid, in accordance with Rules of Civil Procedure, upon the below counsel should they not be electronically served by the Court:

Robert H. Nemeroff, Esquire
Friedman Schuman, P.C.
101 Greenwood Avenue, 5th Floor
Jenkintown, PA 19046

Respectfully submitted,

CIPRIANI & WERNER, P.C.

By: /s/ Katherine M. Robinson
Katherine M. Robinson, Esquire
PA Attorney I.D. No. 306532
450 Sentry Parkway, Suite 200
Blue Bell, PA 19422
(610) 567-0700 Telephone
Attorney for the Defendants

Dated: August 8, 2014

EXHIBIT “A”

Court of Common Pleas of Philadelphia County
Trial Division

Civil Cover Sheet

For Prothonotary Use Only (Docket Number)

JUNE 2014

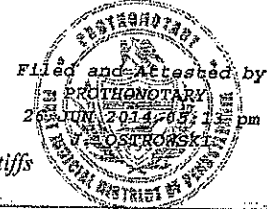
003904

Filing Number: 1406052965

PLAINTIFF'S NAME RENEE RUDNICK		DEFENDANT'S NAME THE GREAT ATLANTIC & PACIFIC TEA COMPANY, INC.	
PLAINTIFF'S ADDRESS 8506 ELLISTON DRIVE WYNDMOOR PA 19038		DEFENDANT'S ADDRESS 2 PARAGON DRIVE MONTVALE NJ 07645	
PLAINTIFF'S NAME DAVID RUDNICK		DEFENDANT'S NAME YFP OCEAN CITY, LLC	
PLAINTIFF'S ADDRESS 8506 ELLISTON DRIVE WYNDMOOR PA 19038		DEFENDANT'S ADDRESS 2 PARAGON DRIVE MONTVALE NJ 07645	
PLAINTIFF'S NAME		DEFENDANT'S NAME	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS	
TOTAL NUMBER OF PLAINTIFFS 2		TOTAL NUMBER OF DEFENDANTS 2	
COMMENCEMENT OF ACTION <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Petition Action <input type="checkbox"/> Notice of Appeal <input checked="" type="checkbox"/> Writ of Summons <input type="checkbox"/> Transfer From Other Jurisdictions			
AMOUNT IN CONTROVERSY <input type="checkbox"/> \$50,000.00 or less <input checked="" type="checkbox"/> More than \$50,000.00		COURT PROGRAMS <input type="checkbox"/> Arbitration <input type="checkbox"/> Mass Tort <input type="checkbox"/> Commerce <input type="checkbox"/> Settlement <input checked="" type="checkbox"/> Jury <input type="checkbox"/> Savings Action <input checked="" type="checkbox"/> Minor Court Appeal <input type="checkbox"/> Minors <input type="checkbox"/> Non-Jury <input type="checkbox"/> Petition <input type="checkbox"/> Statutory Appeals <input type="checkbox"/> W/D/Survival <input type="checkbox"/> Other:	
CASE TYPE AND CODE 2F - PERSONAL INJURY - BELA			
STATUTORY BASIS FOR CAUSE OF ACTION			
RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER)		FILED PRO PROTHY JUN 26 2014 J. OSTROWSKI	
		IS CASE SUBJECT TO COORDINATION ORDER? YES NO	
TO THE PROTHONOTARY: Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: <u>RENEE RUDNICK , DAVID RUDNICK</u> Papers may be served at the address set forth below.			
NAME OF PLAINTIFF'S/PETITIONER'S/APPELLANT'S ATTORNEY ROBERT H. NEMEROFF		ADDRESS 101 GREENWOOD AVENUE 5TH FLOOR JENKINTOWN PA 19046	
PHONE NUMBER (215) 690-3827	FAX NUMBER (215) 635-7212		
SUPREME COURT IDENTIFICATION NO. 34681		E-MAIL ADDRESS rnemeroff@fsalaw.com	
SIGNATURE OF FILING ATTORNEY OR PARTY ROBERT NEMEROFF		DATE SUBMITTED Thursday, June 26, 2014, 05:13 pm	

FRIEDMAN SCHUMAN, P.C.
BY: Robert H. Nemeroff, Esquire
Attorney I.D. No.: 34681
101 Greenwood Avenue, 5th Floor
Jenkintown, PA 19046
(215) 635-7200

Major Jury Case



Attorney for Plaintiffs

RENEE RUDNICK and DAVID RUDNICK, w/h
8506 Elliston Drive
Wyndmoor, Pennsylvania 19038
Plaintiffs

COURT OF COMMON PLEAS
PHILADELPHIA COUNTY

v.

THE GREAT ATLANTIC & PACIFIC TEA
COMPANY, INC.
2 Paragon Drive
Montvale, New Jersey 07645

DOCKET No.:

and

YFP OCEAN CITY, LLC
2 Paragon Drive
Montvale, New Jersey 07645 and

Defendants

NOTICE TO DEFEND

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP. THIS OFFICE CAN PROVIDE YOU WITH THE INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

PHILADELPHIA COUNTY BAR ASSOCIATION
Lawyer Referral & Information Service
1101 Market Street, 11th Fl.
Philadelphia, PA 19107
(215) 238-6333

AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) días de plazo al partir de la fecha de la demanda y la notificación. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificación. Además, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades o otros derechos importantes para usted.

LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

ASOCIACION DE LICENCIADOS DE FILADELFA
Servicio De Referencia E Informacion Legal
1101 Market Street, 11th Fl.
Filadelfia, PA 19107
(215) 238-6333

FRIEDMAN SCHUMAN, P.C.
BY: Robert H. Nemeroff, Esquire
Attorney I.D. No.: 34681
101 Greenwood Avenue, 5th Floor
Jenkintown, PA 19046
(215) 635-7200

Major Jury Case

Attorney for Plaintiffs

**RENEE RUDNICK and DAVID
RUDNICK, w/h**
8506 Elliston Drive
Wyndmoor, Pennsylvania 19038
Plaintiffs

**COURT OF COMMON PLEAS
PHILADELPHIA COUNTY**

v.

**THE GREAT ATLANTIC & PACIFIC
TEA COMPANY, INC.**
2 Paragon Drive
Montvale, New Jersey 07645

DOCKET No.:

and

YFP OCEAN CITY, LLC
2 Paragon Drive
Montvale, New Jersey 07645 and

Defendants

CIVIL ACTION COMPLAINT

A. THE PARTIES

1. The Plaintiff, Renee Rudnick ("Renee"), is an adult individual residing at 8506 Elliston Drive, Wyndmoor, Pennsylvania 19038.
2. Plaintiff, David Rudnick ("David"), is an adult individual and the husband of Renee, residing at 8506 Elliston Drive, Wyndmoor, Pennsylvania 19038.

3. The Defendant, The Great Atlantic & Pacific Tea Company, Inc. ("A&P"), is a corporation duly organized under the laws of the state of Maryland with a business address located at 2 Paragon Drive, Montvale, New Jersey 07645.

4. It is believed and, therefore, averred that the Defendant, YFP Ocean City, LLC ("YFP"), is a New Jersey limited liability company with a mailing address of 2 Paragon Drive, Montvale, New Jersey 07645.

B. VENUE

5. A&P regularly conducts business in the County of Philadelphia by virtue of operating numerous supermarkets in said county under the names "A&P", "The Food Emporium", "Pathmark", and "Super Fresh".

6. Pursuant to the Pennsylvania Rules of Civil Procedure 1006 and 2179, as a result of venue being proper in Philadelphia County as to A&P, venue is proper in Philadelphia County as to all Defendants herein.

C. FACTS

7. On July 4, 2012, Renee, as a customer, was upon the premises of the Super Fresh supermarket located at 800 West Avenue, Ocean City, New Jersey 08226 ("Super Fresh").

8. Super Fresh was owned by A&P on said date.

9. The real estate on which Super Fresh was located was owned by YFP on said date.

10. It is believed and, therefore, averred that A&P operated said Super Fresh pursuant to the terms of a lease agreement between A&P and YFP.

11. On the aforesaid date, while Renee was pushing her shopping cart adjacent to the shelves where bottles of orange juice were on display in Super Fresh, she was caused to slip and fall on liquid which had accumulated on the surface of the floor.

12. Renee was caused to fall backwards, landing on her back and striking the back of her head on the surface of the floor.

13. On and before the date of Renee's fall as aforesaid, it is believed and, therefore, averred that refrigeration units in Super Fresh were malfunctioning causing puddles of water to accumulate on the surface of the floor where Renee fell.

14. The liquid which had accumulated on the surface of the floor where Renee fell, existed for a long enough period of time before her fall for Defendants to have discovered this dangerous condition.

15. The Defendants, therefore, knew or should have known of the presence of the liquid on the surface of the floor of the Super Fresh where Renee fell.

D. LIABILITY

COUNT I
NEGLIGENCE
Rence Rudnick v. Defendants

16. Allegations 1 through 15 are incorporated herein by reference as though fully set forth at length.

17. The Defendants had a duty to maintain the Super Fresh premises in a reasonably safe condition for its customers like Renee.

18. Renee's fall occurred as a direct result of the negligence and carelessness of the Defendants and, was due in no manner whatsoever to any negligence on the part of Renee.

19. The negligence and carelessness of the Defendants consisted of the following:

- a) allowing a dangerous condition to exist on the floor of the Super Fresh premises;

- b) being inattentive to the dangerous condition that existed on the floor of the Super Fresh premises which caused Renee to slip and fall;
- c) failing to warn Renee and other customers of the dangerous condition that existed on the surface of the floor of the Super Fresh premises;
- d) failing to inspect the floor of the Super Fresh premises to ascertain the existence of said dangerous condition;
- e) failing to correct the dangerous condition that existed at the time of Renee's fall; and
- f) failing to repair the defective refrigeration units so as to minimize the risk of the existence of the dangerous condition on the surface of the floor of the Super Fresh premises which caused Renee to fall.

20. As a result of the negligence of the Defendants, Renee sustained injuries to her head, neck and back including, but not limited to, lower back injury involving her lumbar discs at L4-5 and L5-S1, as well as a closed head injury diagnosed as a concussion and post-concussion syndrome resulting in cognitive deficits.

21. As a further result of the negligence of the Defendants, Renee has or may hereafter incur other financial losses or expenses which she may otherwise not be entitled to recover.

22. As a further result of the negligence of the Defendants, Renee has suffered and will continue to suffer in the future great pain and suffering, mental anguish, anxiety and humiliation, to her great detriment and loss.

23. As a further result of the negligence of the Defendants, Renee has been and may in the future be obliged to spend various sums of money for medical care and treatment in an effort to cure herself of her injuries, to her great detriment and loss.

24. As a further result of the negligence of the Defendants, Renee has sustained a loss of past earnings and may sustain a loss future earning capacity, to her great detriment and loss.

25. As a further result of the negligence of the Defendants, Renee has suffered a diminution in the ability to enjoy life and life's pleasures, to her great detriment and loss.

WHEREFORE, Plaintiff, Renee Rudnick, demands judgment against the Defendants, The Great Atlantic & Pacific Tea Company, Inc., and YFP Ocean City, LLC, in an amount in excess of \$50,000.00.

COUNT II
LOSS OF CONSORTIUM
David Rudnick v. Defendants

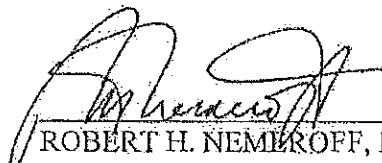
26. Allegations 1-25 are incorporated herein by reference as though fully set forth at length.

27. David is the husband of Renee whose marital relationship with his wife has been adversely impacted by her physical and emotional suffering caused by the negligence of the Defendants.

28. As a result of Renee's physical and emotional suffering caused by the negligence of the Defendants, David has been deprived of the assistance, services, society, companionship and consortium of his wife, to which he is legally entitled to his great detriment and loss.

WHEREFORE, Plaintiff, David Rudnick demands judgment against Defendants, The Great Atlantic & Pacific Tea Company, Inc. and YFP Ocean City, LLC, in an amount in excess of \$50,000.00

FRIEDMAN SCHUMAN, P.C.


ROBERT H. NEMIROFF, ESQUIRE
Attorney for Plaintiffs

VERIFICATION

We, Renee Rudnick and David Rudnick, hereby verify that the facts set forth in the foregoing Complaint are true and correct to the best of our knowledge, information and belief, and understand that false statements herein are made subject to the penalties to 18 Pa.C.S. §4904, relating to unsworn falsification to authorities.


RENEE RUDNICK



DAVID RUDNICK

EXHIBIT “B”

No Items in Cart | **LOGOUT** krobinson2**Civil Docket Report**

A \$5 Convenience fee will be added to the transaction at checkout.

Case Description

Case ID: 140603904
Case Caption: RUDNICK ETAL VS THE GREAT ATLANTIC & PACIFIC TEA C
Filing Date: Thursday , June 26th, 2014
Court: MAJOR JURY-EXPEDITED
Location: City Hall
Jury: JURY
Case Type: PERSONAL INJURY - FELA
Status: WAITING TO LIST CASE MGMT CONF




Related Cases*No related cases were found.***Case Event Schedule***No case events were found.***Case motions***No case motions were found.***Case Parties**

Seq #	Assoc	Expn Date	Type	Name
1			ATTORNEY FOR PLAINTIFF	NEMEROFF, ROBERT H
Address:	101 GREENWOOD AVENUE 5TH FLOOR JENKINTOWN PA 19046 (215)690-3827	Aliases:	none	
2	1		PLAINTIFF	RUDNICK, RENEE
Address:	8506 ELLISTON DRIVE WYNDMOOR PA	Aliases:	none	

	19038			
3	1		PLAINTIFF	RUDNICK, DAVID
Address:	8506 ELLISTON DRIVE WYNDMOOR PA 19038	Aliases:	none	
4			DEFENDANT	THE GREAT ATLANTIC & PACIFIC TEA COMPANY, INC.
Address:	2 PARAGON DRIVE MONTVALE NJ 07645	Aliases:	none	
5			DEFENDANT	YFP OCEAN CITY, LLC
Address:	2 PARAGON DRIVE MONTVALE NJ 07645	Aliases:	none	
6			TEAM LEADER	RAU, LISA M
Address:	ROOM 593 CITY HALL PHILADELPHIA PA 19107 (215)686-3768	Aliases:	none	

Docket Entries

Filing Date/Time	Docket Type	Filing Party	Disposition Amount	Approval/ Entry Date
26-JUN-2014 05:13 PM	ACTIVE CASE			27-JUN-2014 09:50 AM
Docket Entry:	E-Filing Number: 1406052965			

26-JUN-2014 05:13 PM	COMMENCEMENT CIVIL ACTION JURY	NEMEROFF, ROBERT H		27-JUN-2014 09:50 AM
Documents:	Click link(s) to preview/purchase the documents Final Cover			
	 Click HERE to purchase all documents related to this one docket entry			
Docket Entry:	<i>none.</i>			
26-JUN-2014 05:13 PM	COMPLAINT FILED NOTICE GIVEN	NEMEROFF, ROBERT H		27-JUN-2014 09:50 AM
Documents:	Click link(s) to preview/purchase the documents Complaint_001.pdf			
	 Click HERE to purchase all documents related to this one docket entry			
Docket Entry:	COMPLAINT WITH NOTICE TO DEFEND WITHIN TWENTY (20) DAYS AFTER SERVICE IN ACCORDANCE WITH RULE 1018.1 FILED.			
26-JUN-2014 05:13 PM	SHERIFF'S SURCHARGE 2 DEFTS	NEMEROFF, ROBERT H		27-JUN-2014 09:50 AM
Docket Entry:	<i>none.</i>			
26-JUN-2014 05:13 PM	JURY TRIAL PERFECTED	NEMEROFF, ROBERT H		27-JUN-2014 09:50 AM
Docket Entry:	12 JURORS REQUESTED.			
26-JUN-2014 05:13 PM	WAITING TO LIST CASE MGMT CONF	NEMEROFF, ROBERT H		27-JUN-2014 09:50 AM
Docket Entry:	<i>none.</i>			
21-JUL-2014 10:14 AM	AFFIDAVIT OF SERVICE FILED			21-JUL-2014 10:44 AM
Documents:	Click link(s) to preview/purchase the documents CS115215-1.pdf CS115215-2.pdf			
	 Click HERE to purchase all documents related to this one docket entry			
	AFFIDAVIT OF SERVICE OF PLAINTIFF'S COMPLAINT UPON YFP			

Docket Entry:	OCEAN CITY, LLC AND THE GREAT ATLANTIC & PACIFIC TEA COMPANY, INC. BY PERSONAL SERVICE ON 07/11/2014 FILED.
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► [Case Description](#)

► [Related Cases](#)

► [Event Schedule](#)

► [Case Parties](#)

► [Docket Entries](#)

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EXHIBIT "C"



235 SOUTH 13TH STREET
PHILADELPHIA, PA 19107
PHONE: (215) 546-7400
FAX: (215) 985-0169



Renee Rudnick et al : COURT Court of Common Pleas of Pennsylvania
-vs- : COUNTY Philadelphia County
The Great Atlantic, Et al : CASE NUMBER 1406-3904



AFFIDAVIT OF SERVICE

COMMONWEALTH OF PENNSYLVANIA:
COUNTY OF PHILADELPHIA:

B&R Control # CS115215 - 2
Reference Number

SERVICE INFORMATION

On 7 day of July, 2014 we received the
Civil Action Complaint
for service upon YFP Ocean City
at 2 Paragon Drive Montvale, NJ 07645

*** Special Instructions ***

☒ Served Date 7/11/14 Time 11:22am Accepted By: Daniel J. Roe

In the manner described below.

- ☐ Personally served.
☐ Adult family member. Relationship is _____
☐ Adult in charge of residence who refused to give name and/or relationship. _____
☐ Manager/Clerk of place of residence lodging _____
☒ Agent or person in charge of office or usual place of business Corporate Paralegal & Contracts Manager
☐ Other _____

Description of Person Age 35 Height 6'0" Weight 160 Race White Sex M
Other Brown hair

☐ Not Served Date _____ Time _____

Not Served Information

☐ Moved ☐ Unknown ☐ No Answer ☐ Vacant ☐ Other _____

The Process Server, being duly sworn,
deposes and says that the facts set forth
herein are true and correct to the best of their
knowledge, information and belief.

Process Server/Sheriff Anthony Tavarone

Law Firm Phone (215) 638-7260
Friedman Schuman
101 Greenwood Avenue
Fifth floor
Jenkintown, PA 190462636

Sworn to and subscribed before me this

14 day of July, 2014
Edward J. Edwards
Notary Public

Serve By Date 7/30/2014
Filed Date 6/26/2014

ORIGINAL

188DB

Case ID: 140603904



235 SOUTH 13TH STREET
PHILADELPHIA, PA 19107
PHONE: (215) 546-7400
FAX: (215) 985-0169



Renee Rudnick et al

:

COURT

Court of Common Pleas of Philadelphia

-VS-

:

COUNTY

Philadelphia County

The Great Atlantic. Et al

:

CASE NUMBER 1406-3904



AFFIDAVIT OF SERVICE

COMMONWEALTH OF PENNSYLVANIA:

B&R Control #

CS115215 - 1

COUNTY OF PHILADELPHIA:

Reference Number

SERVICE INFORMATION

On 7 day of July, 2014 we received the
Civil Action Complaint
for service upon The Great Atlantic & Pacific Tea Co., Inc
at 2 Paragon Drive . Montvale, NJ 07645

*** Special Instructions ***

☒ Served Date 7/11/14 Time 11:22AM Accepted By: Daniel J. Roe

In the manner described below.

- ☐ Personally served.
☐ Adult family member. Relationship is _____
☐ Adult in charge of residence who refused to give name and/or relationship. _____
☐ Manager/Clerk of place of residence lodging _____
☒ Agent or person in charge of office or usual place of business Corporate Paralegal & Contracts Manager
☐ Other _____

Description of Person Age 35 Height 6'0" Weight 160 Race White Sex M
 Other Brown hair

☐ Not Served Date _____ Time _____

Not Served Information

☐ Moved ☐ Unknown ☐ No Answer ☐ Vacant ☐ Other _____

The Process Server, being duly sworn,
deposes and says that the facts set forth
herein are true and correct to the best of their
knowledge, information and belief.

Sworn to and subscribed before me this

14 day of July 2014
Maria Weingartner

Notary Public MARIA WEINGARTNER
 NOTARY PUBLIC OF NEW JERSEY

Commission Expires 3/14/2018

Process Server/Sheriff Anthony Lavaroni
 Law Firm Phone (215) 836-7200 For For Plaintiff

Friedman Schuman
 101 Greenwood Avenue
 Fifth floor
 Jenkintown, PA 190462638

Serve By Date 7/30/2014

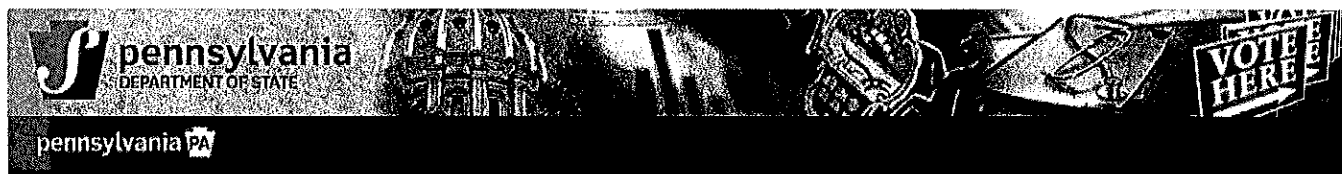
Filed Date 8/26/2014

ORIGINAL

Civil

Case ID: 140603904

EXHIBIT “D”



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Business Entity Filing History

Date: 8/7/2014 (Select the link above to view the Business Entity's Filing History)

Business Name History

Name	Name Type
THE GREAT ATLANTIC & PACIFIC TEA COMPANY, INC.	Current Name

Business Corporation - Foreign - Information

Entity Number:	145406
Status:	Active
Entity Creation Date:	11/30/1959
State of Business.:	MD
Registered Office Address:	800 N 2ND ST STE 100 HARRISBURG PA 17102-0 Dauphin
Mailing Address:	No Address

Officers

Name:	RAYMOND SILCOCK
Title:	President
Address:	2 PARAGON DR MONTVALE NJ 07645-1718

Name:	CHRISTOPHER MCGARRY
Title:	Secretary
Address:	2 PARAGON DR MONTVALE NJ 07645-1718

Name:	POYIBOWIE CHOY
Title:	Treasurer
Address:	2 PARAGON DR MONTVALE NJ 07645-1718

Name:	CHRISTOPHER MCGARRY
Title:	Vice President
Address:	2 PARAGON DR MONTVALE NJ 07645-1718

EXHIBIT "E"

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Department of State: Division of Corporations

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Entity Details

THIS IS NOT A STATEMENT OF GOOD STANDING

File Number: **3405556** Incorporation Date **06/19/2001**
/ Formation Date: (mm/dd/yyyy)
Entity Name: **YFP OCEAN CITY, LLC**
Entity Kind: **LIMITED LIABILITY COMPANY (LLC)** Entity Type: **GENERAL**
Residency: **DOMESTIC** State: **DE**

REGISTERED AGENT INFORMATION

Name: **THE CORPORATION TRUST COMPANY**
Address: **CORPORATION TRUST CENTER 1209 ORANGE ST**
City: **WILMINGTON** County: **NEW CASTLE**
State: **DE** Postal Code: **19801**
Phone: **(302)658-7581**

Additional Information is available for a fee. You can retrieve Status for a fee of \$10.00 or more detailed information including current franchise tax assessment, current filing history and more for a fee of \$20.00.

Would you like ☐ Status ☐ Status, Tax & History Information

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EXHIBIT "F"

103 - DEED - BARGAIN AND SALE (Covenant as to Grantor's Acts)
Ind. to Ind. or Corp. - Plain Language
Ocean City, New Jersey

Bk D2924 Pg977 #175

Record & Return to:

R+R
COMMONWEALTH LAND TITLE INS.
PO BOX 532
CEDAR KNOLLS NJ 07927

Prepared by:

Joseph W. Chouinard
Joseph W. Chouinard
Attorney at Law of New York

PO16207

DEED

COUNTY OF CAPE MAY

Consideration 6,601,422.18
Realty Transfer Fee 32,782.50
Date 08-07-2001 By CLERKNH

This Deed is made on July 30, 2001

BETWEEN: Ocean City - Grocery, LLC, a Delaware limited liability company, whose address is c/o Cardinal Capital Partners, Inc., 8411 Preston Road, Suite 850, Dallas, Texas 75225, referred to as Grantor,

AND: YFP Ocean City, LLC, a Delaware limited liability company having an address at c/o Yates Family Partnership, L.P., 3224 Club Drive, Los Angeles, California 90064, referred to as Grantee.

The words "Grantor" and "Grantee" shall mean all Grantors and all Grantees listed above.

Transfer of Ownership. The Grantor grants and conveys (transfers ownership of) the property described below to the Grantee. This transfer is made for the sum of SIX MILLION, SIX HUNDRED ONE THOUSAND, FOUR HUNDRED TWENTY-TWO AND 18/100 (\$6,601,422.18) DOLLARS. The Grantor acknowledges receipt of this money.

Tax Map Reference. (N.J.S.A. 46:15-2.1) Lot 3, Block No. 808, and Lots No. 2 & 4 in Block 809.01 on the Tax Map of the City of Ocean City, County of Cape May, State of New Jersey.

Property. The property consists of the land and all the buildings and structures on the land in the City of Ocean City, County of Cape May and STATE OF NEW JERSEY. The legal description is:

EXHIBIT "A"

LEGAL DESCRIPTION

Ocean City, New Jersey

Beginning at a point formed by the intersection of the Northwesterly sideline of West Avenue (100 feet in width) with the Southwesterly sideline of 8th Street (70 feet in width) and from said point of beginning running; thence

- (1) along the Northwesterly sideline of West Avenue, South 44 degrees 29 minutes 36 seconds West, a distance of 350.00 feet to a point; thence
- (2) along the common dividing line between Lot 3 and Lot 2, lands now or formerly of Grace Oil Company, North 45 degrees 30 minutes 24 seconds West, a distance of 115.00 feet to a point; thence
- (3) continuing along the common dividing line between Lot 3 and Lot 2, South 44 degrees 29 minutes 36 seconds West, a distance of 20.00 feet to a point; thence
- (4) along the common dividing line between Lot 3 and Lot 1, lands now or formerly of Sun Oil Company, North 45 degrees 30 minutes 24 seconds West, a distance of 135.00 feet to a point; thence
- (5) along the common dividing line between Lot 4 and Lot 1, lands now or formerly of Sun Oil Company, South 44 degrees 29 minutes 36 seconds West, a distance of 100.00 feet to a point in the Northeasterly sideline of 9th Street (80 feet in width); thence
- (6) continuing along the Northeasterly sideline of 9th Street, North 45 degrees 30 minutes 24 seconds West, a distance of 25.00 feet to a point; thence
- (7) along the common dividing line between Lot 4 and Lot 1, lands now or formerly of Hess Realty Corp., North 44 degrees 29 minutes 36 seconds East, a distance of 100.00 feet to a point; thence
- (8) along the common dividing line between Lot 2 and Lot 1, lands now or formerly of Hess Realty, North 45 degrees 30 minutes 24 seconds West, a distance of 105.00 feet to a point in the Southeasterly sideline of Aldrich Road; thence
- (9) continuing along the southeasterly sideline of Aldrich Road, North 44 degrees 29 minutes 36 seconds East, a distance of 250.00 feet to a point; thence
- (10) along the common dividing line between Lot 2 and Lot 3, lands now or formerly APC New Jersey Holdings, Inc., South 45 degrees 30 minutes 24 seconds East, a distance of 105.00 feet to a point; thence

(11) along the common dividing line between Lot 4 and Lot 3, North 44 degrees 29 minutes 36 seconds East, a distance of 120.00 feet to a point in the Southwesterly sideline of 8th Street; thence

(12) continuing along said Southwesterly sideline of 8th Street, South 45 degrees 30 minutes 24 seconds East, a distance of 275.00 feet to the point and place of beginning.

Described in accordance with a survey by Control Point Associates, Inc. dated August 3, 2000 as same may have been revised through the date hereof.

FOR INFORMATIONAL PURPOSES ONLY:

"In compliance with Chapter 157, Laws of 1977, premises herein is Lot 3 in Block 808 on the Tax Map of the City of Ocean City, County of Cape May, State of New Jersey."

AS SET FORTH ON EXHIBIT "A" ANNEXED HERETO.

Bk D2924 P#980 #175
BEING the same premises conveyed to the Grantor herein, by Deed from The Great Atlantic & Pacific Tea Company, Inc., a corporation of the State of Maryland, which deed was dated February 13, 2001, recorded March 14, 2001 in Deed Book D2900, page 821, in the Office of the County Clerk of Cape May County.

SUBJECT to covenants, restrictions, easements and liens of record and such facts as may be shown by survey prepared by Control Points Associates dated June 20, 2000, as same may have been revised through the date hereof.

SUBJECT to municipal and governmental regulations, if any, provided it is not the intent of the parties to make them restrictive covenants.

Promises by Grantor. The Grantor promises that the Grantor has done no act to encumber the property except as set forth above. This promise is called a "covenant as to grantor's acts" (N.J.S.A. 46:4-6). This promise means that the Grantor has not allowed anyone else to obtain any legal rights which affect the property (such as by making a mortgage or allowing a judgment to be entered against the Grantor), except as set forth above.

Signatures. The Grantor signs this Deed as of the date at the top of the first page.

WITNESSED BY:

OCEAN CITY-GROCERY, LLC, a
Delaware limited liability company



By: 
M. Scott Kipp, Manager

STATE OF TEXAS)
) ss.:
COUNTY OF DALLAS)

Bk D2924 Pg 981 #175
RECORDED COUNTY OF CAPE MAY
ANGELA F. PULVINO, COUNTY CLERK
Recording Fee 26.00
Date 08-07-2001 @ 12:22p

I CERTIFY that on July 25, 2001, M. Scott Kipp, the Manager of Ocean City - Grocery, LLC, a Delaware limited liability company, personally came before me and acknowledged under oath, to my satisfaction that this person:

- (a) is the Manager of Ocean City - Grocery, LLC;
- (b) that he signed and delivered this instrument on behalf of and as the voluntary act and deed of the company for the uses and purposes therein expressed; and
- (c) made this Deed for \$6,601,422.18 as full and actual consideration paid or to be paid for the transfer of title. (Such consideration is defined in N.J.S.A. 46:15-5.)

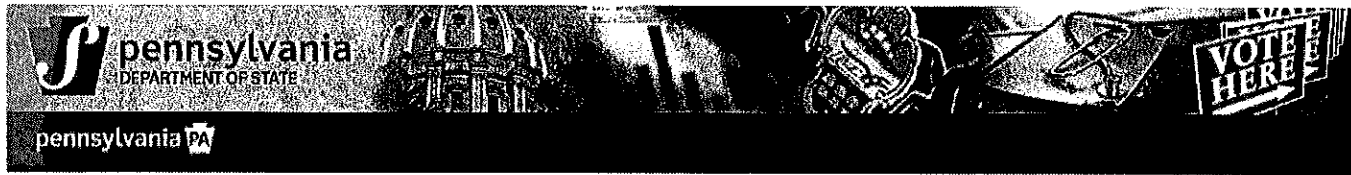
Melanie Garver
Notary Public



My Commission Expires:

6/27/05

EXHIBIT "G"



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